

ORIGINAL

OPEN MEETING ITEM

COMMISSIONERS
BOB STUMP – Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH



ARIZONA CORPORATION COMMISSION



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AZ CORP COMMISSION
DOCKET CONTROL

DATE: JUNE 26, 2013
DOCKET NO.: W-01984A-10-0152

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

DAIRYLAND WATER COOPERATIVE
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

JULY 5, 2013

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

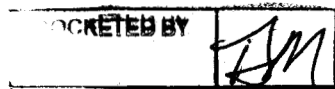
JULY 17, 2013 AND JULY 18, 2013

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

JUN 26 2013



Jodi A. Jerich
JODI JERICH
EXECUTIVE DIRECTOR

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 BOB STUMP - Chairman
4 GARY PIERCE
5 BRENDA BURNS
6 BOB BURNS
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE APPLICATION OF
9 DAIRYLAND WATER COOPERATIVE TO
10 CANCEL ITS CERTIFICATE OF CONVENIENCE
11 AND NECESSITY

DOCKET NO. W-01984A-10-0152

DECISION NO. _____

12 **ORDER**

13 Open Meeting
14 July 17 and 18, 2013
15 Phoenix, Arizona

16 **BY THE COMMISSION:**

17 * * * * *

18 Having considered the entire record herein and being fully advised in the premises, the
19 Commission finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. On April 21, 2010, Dairyland Water Cooperative ("Dairyland" or "Company") filed
22 with the Arizona Corporation Commission ("Commission") an application to cancel its Certificate of
23 Convenience and Necessity ("CC&N") to provide water services in Arizona.¹ Dairyland's
24 application states that the Company is no longer in operation.

25 2. On July 23, 2010, the Commission's Utilities Division ("Staff") issued a Letter of
26 Insufficiency requesting that Dairyland provide an explanation why the current owner is no longer
27 operating the water company.

28 3. On June 3, 2013, Staff filed a memorandum in response to Dairyland's Request
recommending approval of the application to cancel Dairyland's CC&N. Staff states that Dairyland
received a CC&N in 1966, but has not had any customers in over 20 years. Further, Staff conducted
a field inspection and determined that Dairyland no longer serves the CC&N area and that the Town

¹ Dairyland was granted a CC&N to provide water services in Decision No. 38420 (1966).

1 of Gilbert ("Town") is providing water services to Dairyland's service area. Staff states that the
2 Arizona Department of Environmental Quality ("ADEQ") and Maricopa County Environmental
3 Services Department ("MCESD") no longer regulate the Dairyland water system. According to Staff,
4 on September 16, 2005, MCESD issued a Notification of Deactivation of Dairyland's water system
5 as of June 30, 2005, due to the fact that Dairyland's customers had been connected to the Town's
6 water system.² Staff states that there are no outstanding customer deposits.

7 4. Based on the above factors, Staff recommends approval of Dairyland's request to
8 cancel its CC&N.

9 5. Staff's recommendation is reasonable and should be adopted.

10 **CONCLUSIONS OF LAW**

11 1. Dairyland is a public service corporation within the meaning of Article XV of the
12 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

13 2. The Commission has jurisdiction over Dairyland and the subject matter of the
14 application to cancel the Company's CC&N.

15 3. The cancellation of Dairyland's CC&N is in the public interest.

16 4. Staff's recommendations are reasonable and should be adopted.

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28 ² Public Water System No. 07-024.

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ORDER

IT IS THEREFORE ORDERED that Dairyland Water Cooperative's Certificate of Convenience and Necessity to provide water service is hereby cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN _____ COMMISSIONER _____

COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2013.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: DAIRYLAND WATER COOPERATIVE

2 DOCKET NO: W-01984A-10-0152

3

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